

Waste Management
ENVIRONMENTAL QUALITY

COPY
ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL SCOTT
Director

September 26, 2018

City of Raleigh
Ruffin Hall
P.O. Box 590
Raleigh, NC 27601

Re: Notice of No Further Action
15A NCAC 2L .0407(d)
Risk-based Assessment and
Corrective Action for Petroleum
Underground Storage Tanks

Dunn's Service Center (Former)
502 S. Bloodworth Street
Raleigh, Wake County
Incident Number: 26398
Risk Classification: Low
Ranking: LOR

Dear Mr. Hall:

The Limited Site Assessment report (LSA) received by the UST Section, Division of Waste Management, Raleigh Regional Office on August 27, 2007 has been reviewed. The review indicates that groundwater contamination meets the cleanup requirements for a low-risk site but exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202.

The UST Section determines that no further action is warranted for this incident. All required actions have been completed. On September 24, 2018, the UST Section received a certified copy of the Notice of Residual Petroleum which is filed with the Register of Deeds. On September 24, 2018, the UST Section was provided with proof of receipt of the conditional Notice of No Further Action letter or of refusal by the addressee to accept delivery of the letter or with a description of the manner in which the letter was posted.

This determination shall apply unless the UST Section later finds that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment. Pursuant to Title 15A NCAC 2L .0407(a) you have a continuing obligation to notify the Department of Environmental Quality of any changes that might affect the risk or land use classifications that have been assigned.

COPY

Be advised that as groundwater contamination exceeds the groundwater quality standards established in Title 15A NCAC 2L .0202, groundwater within the area of contamination or within the area where groundwater contamination is expected to migrate is not suitable for use as a water supply.

Interested parties may examine the LSA by contacting this regional office and may submit comments on the site to the regional office at the address or telephone number listed below.

This No Further Action determination applies only to the subject incident; for any other incidents at the subject site, the responsible party must continue to address contamination as required.

If you have any questions regarding this notice, please contact me at the address or telephone number listed below.

Sincerely,



Mark R. Powers
Regional Supervisor
Raleigh Regional Office
UST Section, Division of Waste Management, NCDEQ

cc: RRO Incident File Copy/SMJ
Evan Kane, Wake County Health Department
GeoLogix, 5316 Deep Valley Run, Raleigh, NC 27606

Raleigh Regional Office | 1628 Mail Service Center | Raleigh, NC 27699-1628 | (919) 791-4200

WAKE COUNTY, NC 69
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
08/16/2018 11:22:03

*Return To: Robert H. Livermon, Jr.
5316 Deep Valley Run
Raleigh, NC 27606*

BOOK:017216 PAGE:00225 - 00228

NOTICE OF RESIDUAL PETROLEUM

City of Raleigh Property, 502 S. Bloodworth St., Raleigh, Wake County, North Carolina

The property that is the subject of this Notice (hereinafter referred to as the "Site") contains residual petroleum and is an Underground Storage Tank (UST) incident under North Carolina's Statutes and Regulations, which consist of N.C.G.S. 143-215.94 and regulations adopted thereunder. This Notice is part of a remedial action for the Site that has been approved by the Secretary (or his/her delegate) of the North Carolina Department of Environment Quality (or its successor in function), as authorized by N.C.G.S. Section 143B-279.9 and 143B-279.11. The North Carolina Department of Environment Quality shall hereinafter be referred to as "DEQ".

NOTICE

Petroleum product was released and/or discharged at the Site. **Petroleum constituents remain on the site, but are not a danger to public health and the environment, provided that the restrictions described herein, and any other measures required by DEQ pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, are strictly complied with.** This "Notice of Residual Petroleum" is composed of a description of the property, the location of the residual petroleum and the land use restrictions on the Site. The Notice has been approved and notarized by DEQ pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11 and has/shall be recorded at the **Wake County** Register of Deeds' office

Book ____, Page ____.

Any map or plat required by DEQ has been/shall be recorded at the Wake County Register of Deeds' office Book ____, Page ____, and has been/shall be incorporated into the Notice by this reference.

Source Property

The City of Raleigh, Raleigh, North Carolina is the owner in fee simple of all or a portion of the Site, which is located in the County of Wake, State of North Carolina, and is known and legally described as:

BEING all of that 0.17-acre tract or parcel of land (PIN: 1703866736) with the address of 502 South Bloodworth Street in Raleigh, North Carolina, described as follows: BEGINNING at a new iron pin at the southwest intersection of East Cabarrus Street and South Bloodworth Street; runs thence along the west right-of-way line of South Bloodworth Street S 02 degrees 23'27"W, 93.17 feet to an existing iron pin; runs thence N 87 degrees 36'17"W, 62.67 feet to a new iron pin; run thence N 01degrees 04'47"E, 92.61 feet to a new iron pin in the south right-of-way line of East Cabarrus Street; runs thence along East Cabarrus Street S 88 degrees 06'57"E, 64.79 feet to the point and place of BEGINNING as shown on a map entitled "Property of C. A. Haywood, Sr. Heirs" by Newcombe Land Surveyors, LLC, dated March 8, 2000.

Subject to any utilities easements and drainage easements.

For reference, see Deed Book 9985, Page 1720, Wake County Register of Deeds.

For protection of public health and the environment, the following land use restrictions required by N.C.G.S. Section 143B-279.9(b) shall apply to all of the above-described real property. These restrictions shall continue in effect as long as residual petroleum remains on the site in excess of unrestricted use standards and cannot be amended or cancelled unless and until the Wake County Register of Deed receives and records the written concurrence of the Secretary (or his/her delegate) of DEQ (or its successor in function).

PERPETUAL LAND USE RESTRICTIONS

Groundwater: Groundwater from the site is prohibited from use as a water supply. Water supply wells of any kind shall not be installed or operated on the site.

ENFORCEMENT

The above land use restriction(s) shall be enforced by any owner, operator, or other party responsible for the Site. The above land use restriction(s) may also be enforced by DEQ through any of the remedies provided by law or by means of a civil action, and may also be enforced by any unit of local government having jurisdiction over any part of the Site. Any attempt to cancel this Notice without the approval of DEQ (or its successor in function) shall be subject to enforcement by DEQ to the full extent of the law. Failure by any party required or authorized to enforce any of the above restriction(s) shall in no event be deemed a waiver of the right to do so thereafter as to the same violation or as to one occurring prior or subsequent thereto.

IN WITNESS WHEREOF, City of Raleigh has caused this Notice to be executed pursuant to N.C.G.S. Sections 143B-279.9 and 143B-279.11, this 3 day of August, 2018.



Ruffin L. Hall

(name of responsible party if agent is signing)

By:

Ruffin L. Hall
(signature of responsible party, attorney or other agent if there is one)

City Manager

(Title of agent for responsible party if there is one)

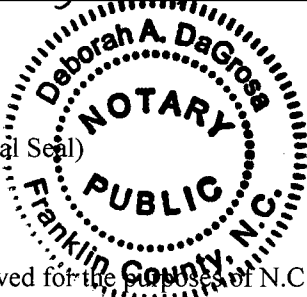
Signatory's name typed or printed: Ruffin L. Hall

NORTH CAROLINA
WAKE COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document: Ruffin L. Hall.

Date: August 3, 2018

(Official Seal)



Deborah A. DaGrosa
(signature of Notary Public)

Deborah A. DaGrosa
(printed or typed name of Notary Public)

Notary Public

My commission expires: 3/30/2020

Approved for the purposes of N.C.G.S. 143B-279.11

Mark R. Povers
(signature of Regional Supervisor)

MARK R. POVERS, Regional Supervisor
(printed name of Regional Supervisor)

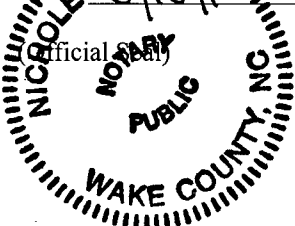
RALEIGH Regional Office
UST Section
Division of Waste Management
Department of Environment Quality

NORTH CAROLINA

Wake COUNTY
(Name of county in which acknowledgment was taken)

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Mark Povers (full printed name of Regional Supervisor)

Date: 8/10/18

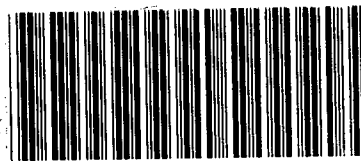


Nicole Romney
(signature of Notary Public)

Nicole Romney
(printed or typed name of Notary Public)

Notary Public

My commission expires: August 19th, 2022



BOOK:017216 PAGE:00225 - 00228



Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Charles P. Gilliam

Register of Deeds

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

☐ New Time Stamp

☐ \$25 Non-Standard Fee

☐ Additional Document Fee

☐ Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

_____ 4 # of Pages *P*



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

MICHAEL SCOTT
Director

July 9, 2018

City of Raleigh
Greg Pittman
P.O. Box 590
Raleigh, NC 27607

Re: Notice of Regulatory Requirements
15A NCAC 2L .0407(d) and
Session Law 2016-94, Section 14.5
Risk-based Assessment and Corrective Action
For Petroleum Underground Storage Tanks

Dunn's Service Center
502 S. Bloodworth Street
Raleigh, Wake County
Incident Number: 26398
Risk Classification: Low
Ranking: L0R

Dear Mr. Pittman:

To start, I would like to explain why you have been sent this Notice.

For some time, the Underground Storage Tank (UST) Section has had to balance a large number of leaking petroleum UST sites against the limited funding that is available to help owners and operators clean up contamination left by those leaking tanks. To do this, the UST Section has had to focus primarily on higher priority sites, which has meant that, within certain parameters, less attention was given to lower priority ones. The temporary pause in any requirement to address the petroleum release on your property is related to this issue (per North Carolina General Statute 143-215.94E(e4)(1)).

However, Session Law 2016-94 set aside a small portion of the Cleanup Funds specifically for reevaluating Low Risk incidents to determine if no further action is necessary. A review of the records associated with this site by the Department of Environmental Quality (Department) indicates that this new program would be applicable to your incident, and that you, as the responsible party for this release, may be authorized to complete certain tasks to reach a point where no further action is required for your site.

Due to the amount of time that has passed since work was stopped on this incident, the Department will need updated information on the risks associated with your release. This simple risk re-evaluation must be performed by a North Carolina Licensed Geologist or Professional Engineer, and would typically consist of three possible parts. The first step would be to sample one to three monitoring wells onsite to test for any remaining groundwater contamination. The second step would be to survey the surrounding area for water resources that could be at risk, such as water supply wells, lakes, streams, etc. (called

'receptors'), to update any previous survey results. This step is only required if the earlier survey is more than five years old, or if the redevelopment of properties in the area could change the outcome of an updated survey. The third step includes sampling the soil in the area of the release to see if any residual petroleum is trapped in the soil. This step is only necessary where earlier soil testing showed contamination was present at elevated levels, or where no previous soil testing was done.

Finally, once the site risk is reasonably well understood, a small amount of contaminated soil mitigation may be necessary to reach a point where no further action is required. This applies only where the most recent soil sampling, from a previous event or during an approved risk re-evaluation event, indicated the presence of soil contamination above the applicable closure standard for a Low Risk site, as defined in Title 15A of the North Carolina Administrative Code (NCAC), Subchapter 02L .0408(3).

You may be eligible for reimbursement from the Leaking Underground Storage Tank Commercial Trust Fund for some or all of the costs for this and subsequent work (though deductibles and reasonable rate limits do apply). Reimbursement also requires prior written approval of the specific tasks and costs for the necessary work. Any work done under this scope without written preapproval will not be eligible for reimbursement. Attached is a hard copy of the Preapproval / Claim Authorization Form, as well as a list of applicable Trust Fund reimbursable tasks that may be appropriate for your site. Many environmental consulting firms that work in North Carolina can help you apply for funding, and can prepare the necessary pre-approval and claim forms on your behalf for a small fee. Additionally, UST Section Trust Fund Branch staff can also be reached directly at 919-707-8171 if you have any questions.

Please let me know within 30 days if you intend to conduct the risk re-evaluation, or alternatively, complete any necessary soil mitigation. If you do not intend to do so, please provide reason(s) for not doing the work (for example, declaration of bankruptcy or dissolution of corporation, financial inability, etc.). Please note that, if for some reason the UST Section is required to use its own contractors to complete the assessment on your behalf, the State Trust Fund may seek to recover their costs from you for those expenses, unless you have provided proper documentation of financial hardship.

If you have any questions please contact the UST Regional Office at the address or phone number below.

Sincerely,



Scott M. Johnston
Hydrogeologist
Raleigh Regional Office
UST Section, Division of Waste Management, NCDEQ

Attachments: Copy of Preapproval/Claim Authorization Form
List of Allowable Task Codes for Reevaluation of Selected Low Risk Sites under SL 2016-94

cc: Evan Kane, Wake County Health Department
RRO Incident File Copy/SMJ

Raleigh Regional Office | 1628 Mail Service Center | Raleigh, NC 27699-1628 | (919) 791-4200

FUNDING resumed RiskChk NOR 0916.dotx

ELECTRONIC PREAPPROVAL TASK AUTHORIZATION FORM

Dept of Environmental Quality - Division of Waste Management

Site Name	City / County	Incident #
RP STF ID/Name (F/L)	Incident Mgr	Region
RP Type (Owner/Operator / Landowner / Attny-in-fact)	Change Order?	Prev. TA #
Consult. ID/Co.Name	(Reserved for Incident Manager)	
Phone / Fax Number	Task Authorization Number:	ChangeOrd:
Email / PM Name (F/L)	Site Risk / Rank / Abatement:	RRA Date:
Proposal# / Scope Dates	% Commercial (C=100%, NC=0%, Both=1%-99%)	
Has STF Eligibility Been Determined? (T/F)	Site Status (Active or NFA Date)	

Note: This Electronic Preapproval Task Authorization (ePATA) shall be used to receive preapproval from the UST Section. A proposal, including maps and figures, must be attached to elaborate on the costs for the tasks listed below that describes the scope of work and the rationale for the proposed activities. If, following completion of this ePATA, you discover that unexpected tasks must be performed, incurring costs for tasks not originally included with this form, you must complete and submit a separate ePATA request designated as a "Change Order" in the provided space above prior to conducting those tasks. Include a copy of the prior ePATA form for confirmation. Please attach this form to the cover of the corresponding claim when requesting reimbursement. **IMPORTANT:** Only one claim may be submitted per ePATA and all work on the ePATA must have been completed within 12 months of the completion date of the FIRST completed task. All ePATAs submitted within a claim are closed with that claim, and may not be re-used in a separate submittal, even for costs or tasks that were not originally claimed. Final reimbursement of costs associated with the Total Claimed amount below may be affected by the eligibility status of the site (i.e., deductibles, apportionment, etc.), and the documentary validation of incurred costs as reasonable and necessary expenses per 15A NCAC 2P .0402 and .0404.

With Claim: ☐ All Main Consultant/Contractor invoices attached? ☐ Proof of payment attached directly to the front of each invoice?

♦ **Important:** The date of reimbursement is dependent on the Trust Fund balance. There may be a delay in the reimbursement of claims for work under this ePATA.

[illegible]

		TOTAL:	<u>Requested</u>	<u>Preapproved</u>	TOTAL:	<u>Claimed²</u>
	Total Standard Costs (Not Third Party)	\$0.00	\$0.00	\$0.00	Total Standard Costs	
	Total applied as Third Party Deductible/Damage Costs	\$0.00	\$0.00	\$0.00	Total Third Pty Costs	
Process Tracking (Date) (Initials)						
TA Submittal:	by: _____ (PM)	(Reserved for RO)				
RO Review: _____ by: _____ (IM)		Joint UST Preapproval Confirmed By: _____ Date ¹ _____				
CO Review: _____ by: _____ (STF)		RP or Designee Receipt Confirmation By: _____ Date ³ _____				

1 - The ePATA expires one year from the Joint UST Preapproval date. Note: Tasks must be claimed within one year of completion.

This one-year activity deadline from the authorization date does not supercede other regulatory deadlines (e.g., NORR's, NOV's, Enforcements, Remissions, etc.)

2 - Only Tasks included on this ePATA may be claimed. Do not include other Tasks or claimed costs (i.e., Claim preparation) that were not preapproved or the claim will be returned.

3 - Preapproval is not valid (i.e., claimable) until receipt is confirmed by the RP or their designee and returned to the Trust Fund within a week of approval. Signature indicates agreement with the tasks and amounts approved. Any objections/appeals must be submitted via Change Order prior to work proceeding and does not supercede other regulatory deadlines as described in #1 above.)

NC DENR - Division of Waste Management - UST Section

List of Allowable Task Codes for Reevaluation of Selected Low Risk Sites under SL 2016-94

(See the 2017 Reasonable Rate Document for additional details on each task)

1.010

Initial Project Review and Setup: This SOW is only allowed when the initial environmental service provider (ESP) working on the release changes through no action or fault of the responsible party (RP). This SOW includes review of existing site data, including incident information, past site history, agency requirements (NOV, NORR, etc.), previous assessments and remediation (closure reports, CSA, CAP, etc.). SOW assumes RP will provide consultant with all available information plus all reimbursement documentation. SOW will also include one visit to the appropriate Regional Office to copy and review any needed documentation as necessary. SOW includes file-copying costs, consultant mileage and travel time. Responsible parties who contract with ESPs and then change ESPs for whatever reason, will be responsible for this task. This task does not apply to RPs who sell/buy interest in sites and then, as a result, change ESPs. This task does not apply for changes in project managers within an ESP firm, contracts maintained by the same project manager when changing ESP firms, the reactivation of years-dormant sites by the same ESP responsible for the prior work, or for internal reorganization following a merger or takeover of one ESP by another.

1.025

Site Reconnaissance and Receptor Survey Update: This task is to be conducted when specifically, requested by the Regional Office and pre-approved by the UST Section. The RP is expected (by rule and guideline) to review the status of potential receptors continuously, providing updates of the status with every report submitted. Such a review does not demand a full survey. The scope of this task is similar to that of task 1.020. The Responsible Party or their designee is expected to review the current site reconnaissance/survey report on file and to update the well user information and/or waterline information. The report should consist of an updated DWM/UST 1/15/2017 12 table of the well users in the area and an updated map. SOW includes data review, evaluation, reporting (client, property owners, Regional Office), and the purchase of required maps. If a previous Responsible Party or their designee has already completed this task, it should not be duplicated unless requested and pre-approved by the UST Section. Consultant mobe may be claimed under 12.050.

3.101

Consultant Supervision of Drilling: [This SOW is only valid if soil sampling is required and the location cannot be accessed with hand augers, or where a grab groundwater sample is necessary in an area without an existing well.]

This SOW includes all field personnel, travel, and necessary equipment to supervise and manage drilling activities. Included in the SOW, the Responsible Party or their designee is required to ensure completion of all boring logs, well construction records, and retrieve all necessary soil samples from areas of contamination. Supervisory time may not be claimed if the driller is the supervisor. This task is not applicable for supervision of soil borings installed by hand- or power-auger, but may be used if wells are being installed by these methods as a N.C. Certified Well Driller is required for all well installation. This task is not to be used with screening techniques which utilize borings such as MIP/LIF/UVF/Mobile GC.

The maximum reimbursable cost for this task is \$10 per foot of total depth for soil boring and Type II well installations (1"-, 2"-, and 4"-diameter wells), and \$15 per foot for Type III telescoping well installations. Where compelling evidence is provided to show extreme difficulty in the installation of wells in competent bedrock, the \$15 per foot rate may also be preapproved for only the rock portion of the total boring, at the discretion of UST Section personnel. In all cases, total eligible well depth may not exceed the measured depth to water by more than 10 feet (unless otherwise authorized by the Division for deep and/or bedrock wells.) Please complete and attach Secondary Form Sec-F.

3.111

Cost for Soil Boring (Code HA or SB): Maximum rate includes all drilling costs including boring abandonment including direct-push sampling points. Field supervision costs (Task 3.101) for hand- and power-augered borings are not reimbursable. Please complete and attach Secondary Form Sec-F. Price is invoiced per foot rate not to exceed the established maximum.

3.398

Cost for Drilling Rig/Equipment Mobilization: [This SOW is only valid if soil sampling is required and the location cannot be accessed with hand augers, or where a grab groundwater sample is necessary in an area without an existing well.]

SOW includes mobilization of all drilling equipment and personnel to and from the site. This task is limited to drill rigs only. Drill rigs are defined as such equipment that are self-propelled and require a driver or permanently mounted equipment on trucks or vans that cannot be moved by hand. Equipment capable of being moved by hand is not considered to be a drill rig. This task is not allowed for hand augers, power augers or other equipment not meeting this definition. If a well is installed with a hand auger, power auger or other non-drill rig equipment, the, subcontracted Certified Well Driller installing this well may use Task 12.010 for travel to and from the site. This task is limited to once per drilling event, regardless of the number of support vehicles or drilling rig types included in the event. If it is necessary to re-mob to a site due to the inability of the initially selected drilling technology to successfully advance the boring (e.g., to get access under a canopy, hit bedrock with an auger rig, or soft ground causing a big rig to sink) this task may not be requested for reimbursement for the additional trips. Please complete and attach Secondary Form Sec-F.

Please Note: Cost per foot includes, boring and drilling costs, complete well construction, all required labor, well development, equipment use, and well materials (i.e. well covers, above ground protectors, well I.D. plates, lockable well caps, solid casing, slotted screen casing, concrete pad, filter sand pack, Bentonite pellets, grout, etc.), and drill cuttings removal,. Cost per foot also covers any repairs necessary to the wells as a result of onsite activities not directly authorized by the UST Section. Cost for installing wells also includes split spoon samples taken at 5-foot intervals, decontamination of all equipment and all setup charges, and permitting requirements by the NC DEQ. Counties requiring well permits should be claimed under 8.105.

Reimbursement is not allowed for the repair/replacement of wells that have been damaged/destroyed unless the damaged/destruction was necessary due to the excavation of soil performed under an approved soil cleanup or corrective action plan. Costs for the following tasks are not reimbursable if the wells were not installed in accordance with the N.C. well construction standards (15A NCAC 2C). Any issuance of a NOV for an installed well due to improper construction standards, location (ROW) or well maintenance that results in an order to replace the well will result in denial of reimbursement for all costs associated with the new well and any and all required sampling and reporting from the new well. For dry wells that

could not have been anticipated, reimbursement of drilling is allowed at the same per foot rate as a soil boring.

Temporary or direct push wells will be reimbursed according to the diameter of the well and in accordance with the scope of work corresponding to the diameter of the well.

3.399

Well Abandonment: Maximum rate includes all personnel, equipment, and reporting. To qualify for reimbursement, the driller must be licensed by the state of North Carolina. Well abandonment records must be included in the claim (attach to Primary Form P-3c). Pre and post abandonment site photographs may be submitted along with the abandonment records as additional documentation, if desired. Responsible Party or their designee supervision is not required or reimbursed for this task. If wells are abandoned without the use of a drill rig, then consultant move may be claimed under 12.050..

4.031

Cost for Sampling a Monitoring Well: SOW assumes sampling of monitoring wells of any depth or diameter. SOW includes all necessary expendables, equipment, personnel, and sample prep, to perform required well gauging, sampling, and water level measurements conducted as part of sampling, purging, calculations, and groundwater sampling. SOW also includes performing field measurements such as: dissolved oxygen, pH, specific conductivity, temperature, ORP and CO2 as required. Please complete and attach Secondary Form Sec-G. Price is per well with the first well including one hour of prep time and each subsequent well not. Consultant move may be claimed under 12.050.

4.041

Cost for Sampling Water Supply Wells: SOW assumes sampling of an off-site, nonresponsible party, supply well and/or an initial on-site, responsible party owned supply well (subsequent RP wells samples will not be reimbursed it is the responsibility of the RP to check their own supply wells) (i.e. indoor or outdoor spigot). Prior to sampling water supply wells not immediately adjacent to the site of the contamination or where there is no documented groundwater contamination, pre-approval must be received by the Regional Office. SOW includes all necessary equipment; personnel, and sample prep to perform well purging followed by sampling. SOW also includes performing field measurements such as: pH, dissolved oxygen and specific conductivity as required. Please complete and attach Secondary Form Sec-G. Price is per well with the first well including one hour of prep time if not conducting any other sampling activities and each subsequent well not. Water supply wells are to be sampled while onsite for other site sampling activities. Water supply sampling as a standalone task requires pre-approval and under such conditions consultant move may be claimed under 12.050.

4.090

Costs for Analytical and Shipping: [The selected analyses should reflect the release type, per Tables 2 and 3 in the UST Section's *Guidelines for Sampling* if no prior testing was done, or target the specific constituents of concern that were present during earlier testing, where appropriate.]

SOW includes laboratory costs associated with all sampling of soil, water and air along with any quality assurance / quality control. The lab must be North Carolina certified and must be certified to perform the recommended sample methods as outlined in the UST Section Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement; the Guidelines for Assessment and Corrective Action, and the Guidelines for Sampling at the time of sampling. Responsible Party or their designee must attach the laboratory invoice to the completed Secondary Form Sec-H. Lab analytical rates are not to exceed the Analytical Rate Table rates listed within the Price List. Bidding is not required for this task.

6.082

Public Notification: *[For use with 6.174 – Deed Recordation / Notice of Residual Petroleum below.]* This SOW includes all requirements of public notification outlined in the *UST Guidelines for Assessment and Corrective Action*.

6.171

Soil Cleanup and Closure Report *(For low risk sites only):* This SOW includes preparation of the report.

6.174

Deed Recordation / Notice of Residual Petroleum with Land Use Restrictions: SOW includes preparation and filing of a deed recordation with the appropriate county register-of-deeds office. Landowners are to be notified prior to the placement of a deed recordation. The instructions for preparing and filing a “Notice of Residual Petroleum” with land use restrictions may be obtained from the Division. Attorney's fees are not reimbursable. Price is once per site. This is not the Notice of Residual Petroleum required to be filed by property owners prior to a property transaction, which is not reimbursable

6.190

Miscellaneous Letter Report: SOW includes the preparation of a simple letter report, without historical tables or historical figures or graphs, that outlines the activities that have been requested at the written pre-approval of the incident manager. This task is to be used in lieu of other reports if the incident manager determines that the level of work being requested does not justify the preparation of one of the above reports. This task is not applicable for cover letters, email forwards, or fax covers attached to reports or documents generated by other parties (such as forwarding the driller's abandonment certifications generated under Task 3.399), for addenda or corrections for other incomplete or erroneous reports, or for routine correspondence. Price is per report.

7.361

Cost for Remedial Soil Excavation: This SOW includes ALL activities related to the removal, backfill, transport, and disposal of excavated materials conducted as part of preapproved remedial activities. ALL costs; oversight, materials, equipment, labor, travel, per diems, sampling, waste stream analysis, transportation, etc., are included in the per ton rate. Required confirmation samples are to be listed under Task Code 4.090. Prescreening with a mobile lab or equivalent should be listed under Task Code 3.310.. Documentation required to support this task includes:

- 1) Contaminated soil weight tickets sealed by a licensed public weighmaster,
- 2) certification of treatment for backfill if purchased from a treatment/disposal facility,
- 3) Waste manifests and disposal facility certificate of disposal,
- 4) analytical evidence to show that each truckload of soil meets the definition of “contaminated” under the 15A NCAC 2T rules in place at the time of soil removal and/or the current TPH action levels (i.e., at least one grab sample per truckload),
- 5) a surveyor's report if the materials are disposed of onsite under a Certificate of Disposal.

All weight tickets must be in accordance with the Weights and Measures Act of 1975 NCGS 81A-51(5) and in accordance with Trust Fund policy memo dated August 1, 2006 titled, “Amendment to Reasonable Rate Document Policy Concerning Requirements for Determining the Weight of Soil Excavated or Disposed”

Please Note: *The following three permits are only reimbursable if it can be clearly shown that onsite disposal and the cost of these permits is a more cost-effective alternative to disposal of the soil at a permitted soil disposal facility.*

8.010

Certificate of Disposal (Form UST-71): SOW includes preparation and submittal of a Certificate of Disposal UST-71 Form. This is considered to be a field technician level activity not to exceed one hour.

8.020

Permit for Land Application (UST-70): SOW includes preparation and submittal of a Permit for Land Application (Form UST-70). This task will also include an erosion control plan (if required) and the inspection of the proposed site by a NC Certified Soil Scientist. For surveying requirements, costs use task code 7.361. For reimbursement of the UST Section assessed permit fee, use Task 8.100 and include a copy of the permit and cancelled check showing payment. Commercial land farms or disposal facilities are not eligible for reimbursement of this task code or permit fee.

8.030

Agreement for Land Application (UST-72): SOW includes preparation and submittal of an Agreement for Land Application (Form UST-72). This is considered to be a field technician level activity not to exceed one hour.

***Please Note:** Listed below are provisions for site restoration. These costs are only reimbursable for items which are planned such as an approved corrective action (excavation of soils, installation of trenches, infiltration galleries, etc.) where the costs for repair activities should be included in the activity proposals themselves. This will also not cover any accidental damage (i.e. rupturing of water lines, telephone and fiber optic lines, cable lines, power lines, on-site underground utilities, etc.). It is the responsibility of the Responsible Party or their designee to ensure proper utility clearance prior to performing field activities. This section may also not be used for repair necessitated by UST closure or Site Check activities.*

10.010

Structure Repair/Stabilization: Structures that are repaired must be of same like and kind as original. Structures do not include appliances (i.e. air conditioning units, heating units, aboveground tanks, etc.) or components of the UST system. **This task requires pre-approval from UST Section for reimbursement.** This task is will only be considered if it facilitates the most cost-effective remedial action. Along with the invoice, the consultant must provide bidding documentation as described in Task 1.061 above (complete and submit Secondary Form Sec-J if bidding is necessary). If the subject structure is not owned by the responsible party, then the cost will be applied toward the third party deductible.

10.030

Cost for Replacing Impacted Utilities: Utilities must be replaced in the exact manner in which they were removed unless relocation or alternative suitable materials that results in less expense to the Trust Fund can be used. SOW includes submitting the final invoice from the subcontractor. Along with the invoice, the Responsible Party or their designee must provide bidding documentation as described in Task 1.061 above (complete and submit Secondary Form Sec-J if bidding is necessary). If the utilities are not the responsibility of the responsible party, then the cost will be applied to the third party deductible unless considered to be a remedial end point resulting in risk reduction. Public utilities only.

10.070

Cost for Repairing Asphalt and/or Concrete: SOW includes submitting the final invoice from the subcontractor and it is limited to only those areas required to be impacted by the assessment and/or remedial activities approved by the UST Section. Damages to asphalt or concrete caused by the Responsible Party or their designee or their sub-contractors to areas not related to the assessment or remedial areas (even if the damage was caused while conducting the required assessment and/or remedial activities) will not be reimbursed. Photographs of the impacted areas before and after the required assessment and/or remedial activities are required to be submitted along with the invoice. The Responsible Party or their designee shall

ensure that the asphalt work reimbursed under this task is limited to only those areas that were impacted by the remedial activities.

12.010

Required Consultant Travel: The price per mile includes the use of one completely equipped vehicle and is based upon 50 miles per hour traveled, and the average of the field technician and project manager hourly rates. Travel mileage is based on the distance to the site from the consultant's nearest office. Complete Primary Form P-12.

***Please Note:** Mileage costs under Task Code 12.010 are not reimbursable unless specifically pre-approved by the UST Section and will not be approved for any task code in which mileage is included within the task or 12.050 is allowed for the task unless the exception below is met. Maximum mile roundtrip available for reimbursement is **250 miles**. For most areas of the state, an environmental service provider capable of performing UST work can be obtained within a 125-mile radius. The responsible party may use a contractor located beyond this distance at their own expense. Exceptions to this 250-mile limit may be allowed for work performed in the following counties: **Currituck, Camden, Pasquotank, Dare, Tyrrell, Gates, Perquimans, Cherokee, Clay, Macon, Hyde and Graham** due to the extreme rural nature and limited road systems within these areas as long as the 125-mile radius is not expended BEFORE arrival in the incident county. The 250-mile limit would apply to work performed in all other counties of the State. When visiting multiple sites during a trip, the Responsible Party or their designee must evenly divide lodging costs among the sites visited. Mileage in lieu of per diem is not allowed unless it can be shown to be more cost effective. Out of state companies may only claim mileage from the closest entry point to the site on the NC state line if mobilizing from an out of state location with no in state office.*